



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,694	02/27/2002	Kamal K. Sarbadhikari	P02689-D1	6390

7590 06/24/2003

RITA D. VACCA
BAUSCH & LOMB, INC.
ONE BAUSCH & LOMB PLACE
ROCHESTER, NY 14604

EXAMINER

HECKENBERG JR, DONALD H

ART UNIT	PAPER NUMBER
----------	--------------

1722

DATE MAILED: 06/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,694

Applicant(s)

SARBADHIKARI, KAMAL K.

Examiner

Donald Heckenberg

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: .

Art Unit: 1722

1. The continuity data at the beginning of the specification needs to be updated to reflect that the parent application (U.S. Ser. No. 09/507,151) has issued as U.S. Pat. No. 6,391,230.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Chirila et al. (U.S. Pat. No. 5,458,819; previously of record).

Chirila discloses casting molds. A female mold base (32) is provided with a molding surface on an interior surface thereof (see figure 4). Also provided is a center male mold (41) with a molding surface on an interior surface thereof, and a secondary male mold (31) is provided with a molding surface on an interior surface thereof. As shown in figure 4, Chirila further discloses the mold cavities of the molds to be surrounded by an extended edge, which is in turn provided with a gasket (33). As such, the edge acts to prevent flash from exiting the molding area (42).

Art Unit: 1722

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chirila in view of Drew, Jr. et al. (U.S. Pat. No. 4,921,205).

Chirila discloses the apparatus described above. Chirila discloses that the molds can be made from TEFLON®, which is polytetrafluoroethylene (column 5, lines 1-4). However, Chirila does not disclose the molds to be formed from polyurethane.

Art Unit: 1722

Drew discloses a plastic molding apparatus. Drew notes that the mold can comprise polytetraflourethylene, or, as an alternative, polyurethane (column 4, line 64 - column 5, line 20). Drew notes that the choice of particular polymer to use to form the mold will depend on the specific molding material to be used to form the lens (column 5, line 21-23).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the apparatus of Chirila as such to have made the molds from polyurethane because this is an alternative material to polytetraflourethylene to construct the molds that allows for the molds to be tailored to particular molding materials as suggested by Drew.

7. The following references are cited as being pertinent to the instant application:


Appelton et al. (U.S. Pat. No. 5,466,147) discloses a molding apparatus which can be made from polyurethane (see column 5, line 65 - column 6, line 20).

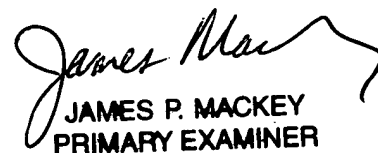
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald

Art Unit: 1722

Heckenberg whose telephone number is (703) 308-6371. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at (703) 308-0457. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for responses to non-final action, and 703-872-9311 for responses to final actions. The unofficial fax phone number is (703) 305-3602.


Donald Heckenberg
June 19, 2003


JAMES P. MACKEY
PRIMARY EXAMINER
6/20/03